

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
William Thomas ROGERS)
Serial No.: 10/627,286) Art Unit: 3735
Filed: July 24, 2003) Examiner: John P. Lacyk
For: Electromagnetic Brain Animation) Confirmation No.: 2379
)

La Jolla, California
August 15, 2008

Attention: Office of Petitions
Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE AND AMENDMENT

The current application became improperly abandoned on March 23, 2006 through no error of Applicant. In order to expedite examination, Applicant hereby petitions for revival of an application for patent abandoned unintentionally under 37 CFR 1.137. The required reply, fee and statement is enclosed herein. Application reserves the right to argue the impropriety of the abandonment in a future paper and makes no admission of fault relating to the abandonment. Applicant has been damaged by the USPTO's error and Applicant's position is that the delay caused the abandonment should be added to the Applicant's patent term for any patent that issues from this application.

On January 23, 2007, Applicant's response to the office action dated March 23, 2008 was entered in the application file. Applicant's response included a claim amendment that appears to have been entered. This response amends the claims as entered on March 23, 2008. Applicant hereby submits the following claims for the Examiner's consideration.

Claims begin on page 2 of this paper.

Remarks begin on page 19 of this paper.